

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
August 27, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., August 27, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; Sandi Wilson, Deputy County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**INVOCATION**

Arlo Nau, former Executive Director of the Arizona Ecumenical Council, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Eve Murillo, Internal Audit, led the assemblage in the Pledge of Allegiance.

**CERTIFICATE OF APPRECIATION TO DEPUTY CONSTABLE VAUGHN GREEN**

Presentation of a certificate of appreciation to Deputy Constable Vaughn Green for his participation in helping to save the life of a citizen of Maricopa County on June 30, 2003. (C2504001M) (ADM650)

On June 30, Deputy Constable Green was on the job when he found a citizen who was in need of medical attention. He called 911 and stayed with the resident until medical assistance arrived. Chairman Brock called Deputy Constable Green and Constable Phil Hazelett to the podium for the presentation of a Certificate of Appreciation for his conscientious actions.

**INTERNAL AUDIT DEPARTMENT AWARD FOR PERFORMANCE MEASURE CERTIFICATION**

Recognition of Ross Tate, County Auditor, as recipient of the National Association of Local Governments Auditors Special Project Award for "Performance Measure Certification." (ADM650) (ADM2600)

Chairman Brock recognized Mr. Tate and the entire Internal Audit Department for having been selected to receive this prestigious award. The National Association of Local Governments Auditors Special Project Award for Performance Measure Certification was established in 1998 as an annual recognition program. There were only three special activities considered for the award in 2002 in the United States and Canada. Mr. Tate said that the 2002 award was presented to them last month but it was only recently received by the County for recognition of their achievement publicly.

**CODE ENFORCEMENT REVIEW - DONALD HUTMAN AND LEO R. LEROY - CONTINUED**

Item: This is the time scheduled for oral arguments in the review of Hearing Officer's Orders of Judgement in the following zoning code violation cases:

- a) Donald Hutman, 34515 West Baseline Road, Parcel No. 401-42-010F (west half), Case No. V2001-0718. (Continued from meetings of September 18, 2002, January 8, 22, February 5, and 19, 2003.) (ADM3417-12)
- b) Leo R. Leroy, 34515 West Baseline Road, Parcel No. 401-42-010F (east half), Case No. V2001-0041. (Continued from meetings of September 18, 2002, January 8, 22, February 5, and 19, 2003.) (ADM3417-13)

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Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this item to the September 24, 2003, session for additional preparation time.

**LITCHFIELD PARK SERVICE COMPANY PUBLIC UTILITY FRANCHISE**

This was the time scheduled for hearing on the application filed by Litchfield Park Service Company for a public utility franchise to construct, maintain and operate a domestic water and wastewater distribution/collection systems, consisting of pipe lines, meters, connections, and all necessary equipment, for a period of 25 years or for a period of one year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the transmission and delivery of water for domestic use and wastewater distribution/collection systems, along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, known and described as follows, to-wit: (F22953)

That portion of the north half of the Southwest quarter of Section 14, Township 2 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the southwest corner of said section;

THENCE along the west section line, north 00°22'03" east a distance of 1,341.70 feet (record) 1,341.62 feet (measured) to the southwest corner of said north half of the southwest quarter;

THENCE along the south line of said north half of the southwest quarter the south 88°07'34" east (record) south 88°07'00" east (measured) a distance of 55.02 feet to a point on the east line of the west 55 feet of said north half of the southwest quarter and the POINT OF BEGINNING;

THENCE continuing along said south line, south 88°07'34" east (record) south 88°07'48" east (measured) 2,543.86 feet (record) 2,544.24 feet (measured) to a point on the east line of the north half of the southwest quarter of said Section 14;

THENCE along said east line north 00°26'40" east (record) north 00°26'01" east (measured) a distance of 180.06 feet (record) 179.84 feet (measured);

THENCE north 88°08'20" west (record) north 88°08'33" west (measured) a distance of 1,901.93 feet (record) 1,902.35 feet (measured);

THENCE south 80°33'04" west a distance of 50.99 feet;

THENCE north 88°08'20" west (record) north 88°07'55" west (measured) a distance of 576.90 feet to a point on the east line of the west 65 feet of said north half of the southwest quarter;

THENCE along said east line south 00°22'03" west a distance of 109.49 feet;

THENCE south 43°52'45" east a distance of 42.97 feet to a point on the north line of the south 30 feet of said north half of the southwest quarter;

THENCE along said north line, north 88°07'34" west a distance of 45.00 feet to a point on the east line of the west 55 feet of said north half of the southwest quarter;

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THENCE along said east line, south 00°22'03" west a distance of 30.01 feet to the POINT OF BEGINNING.

ALSO,

Part of southeast quarter of the southwest quarter of Section 14, T2N, R1W of the G&SRB&M, Maricopa County, Arizona, described as follows:

BEGINNING at the northeast corner of the said southeast quarter of the southwest quarter of Section 14;

THENCE north 88°30'00" west along the northerly line of said southeast quarter of the southwest quarter of Section 14, a distance of 317.00 feet;

THENCE south 01°30'00" west, a distance of 30.00 feet to the northeast corner of Lot 17, TIERRA BUENA;

THENCE south 19°33'40" east along the easterly line of Lots 15, 16, and 17, TIERRA BUENA, a distance of 286.09 feet to a point on the westerly right-of-way line of the Airline Canal;

THENCE north 43°14'00" east along said right-of-way, a distance of 119.99 feet;

THENCE north 41°21'30" east along said right-of-way line, a distance of 211.61 feet to a point on the easterly line of the said southeast quarter of the southwest quarter of Section 14;

Thence north 00°04'30" east along said line, a distance of 45.02 feet to the POINT OF BEGINNING.

ALSO,

The west half of the northwest quarter of Section 11, T2N, R1W, of the G&SRB&M, Maricopa County, Arizona.

No protests having been received, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to grant the said franchise as applied for and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and welfare and to include in such franchise the statutory provisions set forth in Title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specified.

**PUBLIC HEARING - FINANCE – PARADISE VALLEY PARK**

The Chairman called for a public hearing on the following item regarding Paradise Valley Park property:

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried on a roll-call vote (5-0), with Supervisors Stapley, Kunasek, Wilson, Wilcox and Brock voting "aye," to approve the second amendment to an Intergovernmental Agreement (IGA) with the City of Phoenix, and authorize the Chairman to execute documents as necessary to implement its provisions. The amended IGA provides

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for a portion of County's Paradise Valley Park property to be divided between the county and the city. Also declare as surplus property and sell to the city pursuant to ARS §11.251.9, a 78.39-acre portion of property described in Exhibit "C" to the amendment. (C1804004B) (ADM3231)

**PUBLIC HEARING - FINANCE – OASIS PARK**

The Chairman called for a public hearing on the following item regarding a five-acre property known as Oasis Park:

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried on a roll-call vote (5-0), with Supervisors Stapley, Kunasek, Wilson, Wilcox and Brock voting "aye," to declare this as excess property and approve a Transfer Agreement with The Mesa Association for Retarded Citizens (MARC) for the sale of a Maricopa County owned five-acre property known as Oasis Park pursuant to A.R.S. 11-251.9. The parcel is also described as a portion of Tract "A" of Oasis Park Subdivision as recorded in Book 77 of Maps, Page 7, Maricopa County Recorder. The Transfer Agreement provides for a sale price of One Dollar (\$1.00). MARC is a qualified not-for-profit organization dedicated to assisting developmentally disabled and disadvantaged citizens in the east valley area. (C18040050) (ADM3238) (ADM812)

**LIQUOR LICENSE APPLICATION**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license application:

Application filed by Kimberly Meagher for Special Event Liquor License: (F23105)

Organization:	Wildhorse Ranch Rescue
Address:	11811 South Lindsay Road, Gilbert
Dates/Times:	Saturday, September 27, 2003, 6:00 p.m. – 11:00 p.m. Saturday, October 11, 2003; 6:00 p.m. – 12:00 midnight

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

**PLANNING & DEVELOPMENT – STREET NAME CHANGE**

Chairman Brock called for a public hearing on the request to change the street name of 115<sup>th</sup> Avenue to Avondale Boulevard between Thomas Road and Indian Springs Road, Maricopa County, Arizona. The City of Avondale City Council requested the renaming of this street. (C44040010) (ADM2018)

William Amator, citizen said he has lived on 115<sup>th</sup> Avenue since 1932. He asked that the name of his street remain 115<sup>th</sup> Avenue. He cited the cost information given at the Town's meeting as \$45,000 to \$50,000 to change the street signs, which is a waste of money in his opinion. He said the reason given by the City for changing the name to Avondale Blvd. was that it would bring in more hotels and business. He explained that he had polled the residents having mailing addresses on 115<sup>th</sup> Avenue for their opinion on the name change and reported that 17 were against it and two didn't care one way or the other. He indicated that the Littleton School Board is against the name change. He also asserted that 90% of those voting for the change live someplace other than 115<sup>th</sup> Avenue and are the developers and larger

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landowners. He suggested that the City of Avondale should consider the trouble that business, schools and residents have to go through to change their address on personal accounts.

Gene Fleming, resident, also spoke in opposition. He has lived on 115<sup>th</sup> Avenue and Lower Buckeye Road since 1926 and reported that Avondale has now annexed the property in the town of Cashion where he lives. He said, "The 62 million acres in the State of Arizona was laid out from the 115<sup>th</sup> Avenue and Baseline Road surveyors' point." He believes this historical point should be preserved. He explained that both Avondale and ADOT have said that they have no money to fund the name change. He suggested that the simple solution would be to let the name of 115<sup>th</sup> Avenue remain, with two signs going west and east off of the I-10 off-ramp, and only rename the street leading to the new municipal complex Avondale Avenue.

Debbie Fleming also signed up to speak in opposition but had left the auditorium when called upon and did not return before the vote was called.

Betty Lynch, City of Avondale Councilwoman, responded that 115<sup>th</sup> Avenue has become the gateway to Avondale and to the new Avondale City Complex. She clarified that the recent annexation had been done at the request of residents and said that this is the only way annexations can take place. She added that the street name change could also only be accomplished with the approval of the majority of landowners, and said that they have given their approval. She indicated that this name change has been in process for more than five years and no one knows the actual cost at this time despite any estimated cost figures that may have been reported. She stated that she felt it is critical to the City of Avondale for this name change to take place and offered to review the budget to find the necessary dollars to fund this change.

John Sundt, Sundt Companies, Jim Hamilton, PIR (Phoenix International Raceway) and Jeff Allen, Kitchell Development Company, also spoke in favor of the name change. Mr. Allen said this name change would give Avondale a sense of identity that they do not have at this time. He said that if \$40 million had been spent in improving the road that is the gateway to their community then he felt that having that road named after the city is critical.

Supervisor Wilcox said that for some time Avondale has been aware that 115<sup>th</sup> Avenue does not give them the recognition that is needed to do the most economic good. With the new city hall being built on 115<sup>th</sup> Avenue and Van Buren – the entryway into their city – they had solicited the citizen support needed to make this change. Both Supervisor Wilcox and Supervisor Wilson recognized and regretted the discomfort that the name change would bring to some but said that the majority of residents approved it and the Avondale City Council's vote unanimously favored the change.

Supervisor Kunasek remarked on the significance of the historic geological surveyor's point at the intersection of 115<sup>th</sup> Avenue and Baseline Road and asked that the appropriate parties be notified of this name change so that this landmark is maintained and recognized. Chairman Brock suggested writing a letter to the State Geological Survey Department and ADOT to call for recognition of the historical importance of this surveyor's point.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the request for a name change to Avondale Boulevard for the designated portion of 115<sup>th</sup> Avenue.

**ROAD DECLARED (ROAD FILE NO. A143)**

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No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C64040395)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 30<sup>th</sup> day of July, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the Southeast quarter (SE¼) of Section Twenty-six (26), in Township One (1) North, Range One (1) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The South 25 feet of the North half of the South half of the Southeast quarter (N½S½SE¼) and the North 25 feet of South half of the South half of the Southeast quarter (S½S½SE¼) of said Section 26;

Except the West 990 feet thereof.

(Said alignment is also known as Hidalgo Avenue, from End of Maintenance to El Mirage Road in Supervisor District No. 5)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

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**DATED** this 27<sup>th</sup> day of August 2003.

**ROAD DECLARED (ROAD FILE NO. A144)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C64040425)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 30<sup>th</sup> day of July, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the Southeast quarter (SE¼) of Section Thirty (30), in Township One (1) North, Range One (1) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The South 25 feet of the North half of the North half of the Southeast quarter of the Southeast quarter (N½N½SE¼SE¼) and the North 25 feet of South half of the North half of the Southeast quarter of the Southeast quarter (S½N½SE¼ SE¼) of said Section 30;

(Said alignment is also known as Pecan Road, from 109<sup>th</sup> Avenue to 107<sup>th</sup> Avenue in Supervisor District No. 5)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

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**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 27<sup>th</sup> day of August, 2003.

**ROAD DECLARED (ROAD FILE NO. A221)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C64040135)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 30<sup>th</sup> day of July, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway, together with all appurtenances and easements of record, lying within the Northeast quarter (NE¼) of Section Twenty-three (23) and the Northwest quarter (NW¼) of Section Twenty-four (24) in Township Seven (7) North, Range Two (2) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The East 50 feet of the North 1680 feet of said NE¼ of said Section 23;

The West 44 feet of the North 360 feet of the Southwest quarter of the Northwest quarter (SW¼NW¼) and the West 40 feet of the Northwest quarter of the Northwest quarter (NW¼NW¼) of said Section 24.

(Said alignment is also known as 27th Avenue from Estrella Avenue to Photo View Road in Supervisor District No. 3)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.



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**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 27<sup>th</sup> day of August 2003.

**ROAD DECLARED (ROAD FILE NO. A266)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C64040145)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 30<sup>th</sup> day of July, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 60 foot roadway, together with all appurtenances and easements of record, lying within the North half (N½) of Section Nineteen (19) in Township One (1) South, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The South 30 feet of the North half of the North half (N½N½) and the North 30 feet of the South half of the North half (S½N½) of said Section 19.

(Said alignment is also known as Teepee Road from Airport Road to Tuthill Road in Supervisor District No. 5)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 27<sup>th</sup> day of August 2003.

**ROAD DECLARED (ROAD FILE NO. A270)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C64040265)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 30<sup>th</sup> day of July, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 60 foot roadway, together with all appurtenances and easements of record, lying within Section Nine (9), in Township Four (4) North, Range One (1) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being described as follows:

The South 30 feet of the Northwest quarter of the Southeast (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section 9; and,  
The North 30 feet of the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of said Section 9.

(Said alignment is also known as Avenida Del Sol, from 95th Avenue to 93rd Avenue in Supervisor District No. 4)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 27<sup>th</sup> day of August 2003.

**ROAD DECLARED (ROAD FILE NO. A294)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C64040385)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 30<sup>th</sup> day of July, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 60 foot roadway, together with all appurtenances and easements of record, lying within the Northeast quarter (NE $\frac{1}{4}$ ) of Section Four (4), in Township One (1) North, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 30 feet on each side of the following described centerline:

BEGINNING, at the Southwest corner of the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of said Section 4; THENCE, North along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ , to the terminus at the Northwest corner of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 4.

(Said alignment is also known as 189th Avenue, from Roosevelt Street to Culver Street in Supervisor District No. 4)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the

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survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 27<sup>th</sup> day of August 2003.

**GRANT FUNDING FROM OFFICE OF JUSTICE PROGRAMS, OFFICE FOR VICTIMS OF CRIME,  
DEPARTMENT OF JUSTICE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve receipt of additional grant funds from the Office of Justice Programs, Office for Victims of Crime, Department of Justice FY 2003-2004 for the Crime Victim Compensation Program (VOCA allotment) in the amount of \$2,208. The Arizona Criminal Justice Commission Certification No. VC-03-056 funding shall commence on October 1, 2002, and will terminate on September 30, 2003. The allocated funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 15.7%. The non-recoverable indirect cost of administering this grant is \$347. This amendment will increase the County Attorney's revenue and expenditure for the County Attorney Grant Fund (219) in FY 2003-2004 by \$2,208. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C1902063303)

**GRANT FUNDS FROM JUSTICE ASSISTANCE, SOUTHWEST BORDER INITIATIVE PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve receipt of grant funds from the Bureau of Justice Assistance, Southwest Border Initiative Program, in the amount of \$901,250. These funds are for cases prosecuted by the Maricopa County Attorney's Office that were initiated by federal law enforcement agencies and the U.S. Attorney's Office declined to prosecute. The cases were closed between October 1, 2001, and March 31, 2003. This grant will commence upon the approval from the Board of Supervisors through June 30, 2004. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 15.7%. The non-recoverable indirect cost of administering this grant is \$141,496.25. These cases have already been prosecuted, and there are no indirect costs to accepting this grant money. The Board is also requested to increase the FY 2003-2004 revenue and expenditure authority of the County Attorney Office's (190) Grant Fund (219) by \$901,250. The County Attorney's Office will work with the Office of Management and Budget to accomplish this transfer upon receipt of the award. (C19040118)

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**ADDITION TO THE FLEET OF ONE FULLY-EQUIPPED PATROL VEHICLE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an addition to the fleet to the Maricopa County General Fund Vehicle Replacement Pool for one fully-equipped patrol vehicle valued at \$36,284 to replace the Sheriff's Office patrol vehicle assigned to carry out the City of Litchfield Park Intergovernmental Agreement. On June 30, 2003, the Board of Supervisors approved an IGA with the City of Litchfield Park for the term of July 1, 2003, through June 30, 2006. Included in the reimbursement to the County are the costs to operate, maintain, and replace one patrol vehicle. Approval of this item will allow the Sheriff's Office to carry out the terms of the IGA while maintaining public safety services elsewhere. (C5004002001) (ADM3104)

**TEMPORARY ADDITIONS TO THE FLEET OF ONE REDLINED 1999 KAWASAKI POLICE MOTORCYCLE AND ONE FLATBED STEEL UTILITY TRAILER**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve two one-time additions to the fleet to be assigned to the Sheriff's Office Motors Unit of one redlined 1999 Kawasaki KZ1000 Police Motorcycle, valued at \$2,500, that will be used as a training motorcycle; and one 18' x 72" flatbed steel utility trailer, valued at \$1,000, seized by the Sheriff's Office and designated for Sheriff's Office use by the Clerk of the Court, that will be used to haul motorcycles for the Motors Unit. The estimated annual cost to operate these items is approximately \$400 per year. These are temporary additions to the fleet and will be retired at the end of their useful life with no funding from the General Fund for replacement and the county's fleet will automatically be reduced. (C5004019M) (ADM3104)

**INTERGOVERNMENTAL LEASE AGREEMENT WITH THE ARIZONA DEPARTMENT OF ADMINISTRATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and execute new Intergovernmental Lease Agreement number L7198 between the Arizona Department of Administration and Maricopa County Adult Probation for the New Dawn Correctional Facilities located at 1022 and 1029 East Garfield Street, Phoenix. Adult Probation has been at this location for the past ten years and now wishes to continue for an additional ten years at one dollar (\$1.00) per year charge for the 16,692 square foot facility and 1,296 square foot residence. The county is encumbered with all costs, duties and responsibilities of ownership, such as all maintenance and operation cost for buildings and grounds, replacement and/or upgrading of building operating systems and parking areas and compliance with any life safety and ADA codes. The site is a multiple use, community-based probation service center to include supervision services, GED/literacy education, job training, and other counseling services to probationers and local residents. Dormitory quarters in the Facility are used for probationers who need transition back into the community. (CS946007) (C11040014)

**ADULT PROBATION MARKET ADJUSTMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve market adjustments, effective September 1, 2003, for the following positions: Probation Officer, Probation Officer Supervisor, Adult Deputy Chief, Division Director, Surveillance Officer, Counselor, Pre-trial Officer, and Pre-trial Supervisor. The FY 2003-2004 impact of the market adjustments totals \$2,214,006 (annualized impact is \$2,656,807). Also, in accordance with ARS §42-17106B, approve the transfer of \$1,853,072 in expenditure appropriation from General Government (470)

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General Fund (Fund 100) Contingency Reserved Items - Unfunded Liabilities to the Adult Probation Department (110) General Fund (Fund 100). These market range adjustments will affect 801 positions in the Adult Probation Department. The impacts on the Adult Probation Fees Fund (Fund 201) and the Adult Probation Department Grant Fund (Fund 211) are \$249,340 and \$111,594, respectively. These increases will be absorbed within the existing Grants and Fees Fund appropriations. (C11040028) (ADM200)

#### **TRANSFER EXPENDITURE AUTHORITY**

In accordance with ARS §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to transfer expenditure authority from FY 2003-2004 contingency funds in the amount of \$296,907 for ten months of salaries and fringe benefits from General Government (Agency 470) Detention Fund (Fund 255) Reserved Contingency/New Facilities Operating Costs to the Juvenile Probation Department (270) Detention Fund (Fund 255). Approval of this action will allow the department to create, recruit, hire and train critical Detention Center staff primarily for the Southeast Detention Center. (C27040058) (ADM1400-003)

#### **JUVENILE COURT MARKET ADJUSTMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve market adjustments, effective September 1, 2003, for the following positions: Probation Officer, Probation Officer Supervisor, Division Director, Assistant Director, Youth Supervisor, Counselor, Psychologist, and Physical Education (PE) Coordinator. The FY 2003-2004 impact of the market adjustments totals \$1,660,705 (annualized impact is \$1,992,845). Also, in accordance with ARS §42-17106B, approve expenditure appropriation transfers from General Government contingency funds as follows in order to implement these market adjustments:

- a) Transfer \$251,362 in expenditure appropriation from General Government (470) General Fund (Fund 100) Contingency Reserved Items - Unfunded Liabilities to the Juvenile Probation Department (270) General Fund (Fund 100); and
- b) Transfer \$821,472 in expenditure appropriation from General Government (470) Detention Fund (Fund 255) Contingency Reserved Items - New Facility Operating Costs to the Juvenile Probation Department (270) Detention Fund (Fund 255).

These market range adjustments will affect 647 positions in the Juvenile Probation Department. The impact on funds other than Detention and the General Fund is as follows: The Juvenile Probation Grants Fund (Fund 227) \$556,370, the Juvenile Probation Juvenile Court Special Fees Fund (Fund 228) \$19,045, the Juvenile Diversion Fees Fund (Fund 275) \$10,278, and the Jail Tax Transition Fund (Fund 455) \$2,178. These increases will be absorbed within the existing Grants, Fee Funds, and Jail Tax Transition fund appropriations. (C27040068) (ADM1400-001)

#### **INTERGOVERNMENTAL AGREEMENT WITH FLOOD CONTROL DISTRICT BOARD OF DIRECTORS - WITHDRAWN**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement between the Board of Supervisors and the Flood Control District Board of Directors identifying the organizational reporting structure of the District Chief Engineer and General Manager. (C20040032) (ADM1400)

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This item was withdrawn by the Clerk of the Board.

**PERSONNEL AGENDA**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

**THIRD QUARTER GAINSHARING AWARD FOR PARTICIPANTS IN THE "REGISTRATION, FINANCIAL COUNSELING & ELIGIBILITY FY 2003 GAINSHARING PROGRAM"**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the third quarter (January 1, 2003 through March 31, 2003) gainsharing award for eligible employees who participated in the "Registration, Financial Counseling & Eligibility FY 2003 Gainsharing Program" for Maricopa Integrated Health Services. The Board of Supervisors approved this program on September 4, 2002 (Agenda No. C35020056), and later revised the FY 2003 baselines for this program on April 2, 2003 (Agenda No. C3502005601), which are listed below. The awards for the first quarter, second quarter, third quarter, and for the remainder of the fiscal year, are based on these new baselines:

- Maricopa Medical Center/Comprehensive Health Care Center/Desert Vista - Baseline increased from \$175,000 to \$309,000;
- Family Health Centers - Baseline remains the same, \$175,000, as originally submitted on September 4, 2002. (C35040010) (ADM3345-002)

**MIHS Registration, Financial Counseling & Eligibility  
Gainsharing Program FY 03  
Third Quarter Award Summary Report  
01/01/03 through 03/31/03**

The baselines were revised and approved by the BOS on 04/02/03. The revised baselines are used in calculating the award for the entire FY03 fiscal year.

**Family Health Clinics (FHCs) – Validation Report prepared by Kate Geisler, Director:**

1. Goal: To exceed Cash collections of \$175,000 for FY 03 Quarter 3 (50% of the Award)  
Actual: As of 03/31/03 collected \$273,838 in total. Gross amount over goal was \$98,838 \$61,687 will be returned to the MIHS Enterprise Fund. Gross employee gainsharing pool is \$37,151. A 25% reserve of \$9,288 is withheld from the gross employee gainsharing pool to be paid out at the end of the year, if all the goals are met in at least three out of the four quarters. Net employee gainsharing pool is \$27,863.

CASH GOAL WAS ACHIEVED.

2. Goal: To initiate AHCCCS applications on 95% of the Ability to Pay (Self-Pay) patients (25% of the Award)  
Actual: DES AHCCCS applications were initiated on 97% of eligibility Ability to Pay (Self-Pay) patients.

AHCCCS APPLICATION GOAL WAS ACHIEVED.

3. Goal: To achieve a quality assurance rate of 95% on all registered accounts (25% of the Award)

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Actual: The quality measure for all registered accounts was not met in the third quarter. The average for the 12 Family health Centers was 93%. This is a 2% improvement overall from the second quarter.

QUALITY GOAL WAS NOT ACHIEVED.

For the FHCs, two out of the three goals were achieved, and 51 employees are eligible for a gainsharing award. Based on the percentages from the goals above, \$20,897 ((27,863 times .50)+(27,863 times .25)) is the available funding for the employee gainsharing pool. Since one goal was missed (quality), \$6,966 will remain in the employee pool. In addition to the 25% reserve/withhold of \$9,288, this amount will be paid out at the end of the year if all the goals are met in at least three out of the four quarters. Amount available for eligible employees less the fringe benefit factor (13.35%) of \$2,790 is \$18,107. The fringe benefit factor covers all employer based benefit/tax contributions paid on behalf of the employees which includes: FICA 6.2%, Medicare 1.45%, ASRS Retirement 5.20%, and ASRS Long Term Disability .50%.

Gainsharing award before taxes is (\$18,107/51) equals \$355 per eligible employee.

The second quarter reserve was reduced by \$425 for the one employee omitted from the certified eligible list. The amount includes the fringe benefit impact (386+(386\*.1014))

**MMC/CHC/DV – Validation Report prepared by Sharon Anthony, Director:**

1. REVISED Goal: To exceed Cash collections of \$309,000 for FY 03 Quarter 3 (50% of the Award)

Actual: As of 03/31/03 collected \$511,415 in total. Amount over goal was \$202,415.

\$134,191 will be returned to the MIHS Enterprise Fund. Gross employee gainsharing pool is \$68,224. A 25% reserve of \$17,056 is withheld from the gross employee gainsharing pool to be paid out at the end of the year, if all the goals are met in at least three out of the four quarters. Net employee gainsharing pool is \$51,168.

CASH GOAL WAS ACHIEVED.

2. Goal: To initiate AHCCCS applications on 95% of the Ability to Pay (Self-Pay) patients (25% of the Award)

Actual: DES AHCCCS applications were initiated on 98% of the Ability to Pay (Self-Pay) patients.

AHCCCS APPLICATION GOAL WAS ACHIEVED.

3. Goal: To achieve a quality assurance rate of 95% on all registered accounts (25% of the Award)

Actual: The quality for all registered accounts was 98%.

QUALITY GOAL WAS ACHIEVED.

For MMC/CHC/DV, all three goals were achieved, and 64 employees are eligible for a gainsharing award. Based on the percentages from the goals above, \$51,168 ((51,168 times .50)+(51,168 times .25)+(51,168 times .25)) is the available funding for the employee gainsharing pool. The 25% reserve/withhold of \$17,056 will be paid out at the end of the year if all the goals are met in at least three out of the four quarters. Amount available for eligible employees less the fringe benefit factor (13.35%) of \$6,831 is \$44,337. The fringe benefit factor covers all employer based benefit/tax contributions paid on behalf of the employees which includes: FICA 6.2%, Medicare 1.45%, ASRS Retirement 5.20%, and ASRS Long Term Disability .50%.



Gainsharing award before taxes is (\$44,337/64) equals \$693 per eligible employee.

The first quarter reserve was reduced by \$1,108 for the two employees omitted from the certified eligible list. The amount includes the fringe benefit impact  $((\$503 \times 2 = \$1006) + (1006 \times .1014))$

**Fiscal Year Summary:**

Please see the attached excel exhibits for the 2003 Fiscal Year Summary.

- Through March 31, 2003: \$512,072 has been returned to the MIHS Enterprise Fund
- Through March 31, 2003: \$162,403 has been awarded to eligible employees

Based on the cash collections goal, for every \$1.00 paid to eligible employees, \$3.15 is returned to the MIHS Enterprise Fund.

**FY 2003-2004 NONPROFIT ECONOMIC DEVELOPMENT CONTRACTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following six FY 2003-2004 nonprofit economic development contracts for a total of \$1,154,776. The Board approved the funding amounts for these contracts on June 23, 2003, with the adoption of the final budget. All contracts contain performance goals and reporting requirements. (C17040571ZZ)

- Greater Phoenix Economic Council (GPEC) in the amount of \$674,776, will provide economic development support focused on marketing Maricopa County to generate positive and qualified business/industry prospects; (C1704058)
- Greater Phoenix Chamber of Commerce (GPCC) in the amount of \$165,000, will operate the Bid Source Program in order to assist existing businesses in Maricopa County to compete for and win government contracts; (C1704059)
- Greater Phoenix Convention & Visitors Bureau (GPCVB) in the amount of \$250,000, will operate the Convention & Tourism Destination Marketing Program to promote the greater Phoenix area to conventions and tourism and to expand the number of events held at any major county-owned facility; (C1704060)
- Maricopa County Sports Commission (MCSC) in the amount of \$25,000, will enrich the community through sports by providing economic development support through the attraction of sports events and conferences and by expanding the number of bids for events held at any major county-owned facility; (C1704061)
- Western Maricopa Enterprise Zone (WMEZ) in the amount \$15,000, will strengthen the employment base of western Maricopa County; (C1704062)
- Collaboration for a New Century (CNC) in the amount of \$25,000, will improve the standard of living for the community by working with issues concerning children, housing, and healthcare by acting as a clearinghouse for training, technical assistance, and connections to potential public and private sources of

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funding for faith-based and community-based organizations to implement innovative projects. (C1704063)

Supervisor Wilcox noted that "the GPAC contract also includes the monies for the Chambers that we were going to be granting for the east and west side."

**INTERGOVERNMENTAL AGREEMENT WITH TOWN OF QUEEN CREEK**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and carried with a majority vote (4-0-0-1) with Chairman Brock abstaining due to a conflict of interest, to approve an Intergovernmental Agreement between Maricopa County and the Town of Queen Creek to allow expansion of a Northeast portion of the Queen Creek Landfill and terminate existing IGA No. C67960272 for the operation & maintenance of the existing landfill. The revenues to the county for the post-closure care are anticipated to be \$750,000. (C67960272) (C67040012)

**FUND TRANSFERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**CERTIFY TRIAL COURTS (SUPERIOR COURTS/JUSTICE COURTS) QUARTERLY BASELINE COLLECTIONS FOR FY 2002-2003**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to certify Maricopa County Trial Courts (Superior Court/Justice Courts) quarterly baseline collections for FY 2002-2003 and authorize submission of said certification to the Arizona State Treasurer, as required by ARS §12-116.04. Submission of this certification to the State Treasurer is due on or before September 1, 2003. Based upon actual collections, the following amounts have been determined to be the baseline court collections for each quarter of FY 2002-2003 for the Maricopa County Trial Courts. (C18040108) (ADM1800) (Clerk of the Board, Fran McCarroll, read changed numbers for all four FY quarters and the total. The correct figures are given below.)

Quarter 1:	\$11,260,601.07
Quarter 2:	10,839,508.44
Quarter 3:	11,613,661.15
Quarter 4:	13,469,519.40
FY Total:	\$47,183,290.05

**PILOT COMMERCIAL ADVERTISING POLICY - WITHDRAWN**

Approve a pilot commercial advertising policy to be tested by the Maricopa County Assessor's Office for a period of one year. The Assessor's Office is interested in testing the viability of offering real estate related vendors the opportunity to advertising their services and commodities on the Assessor's Internet site in return for an advertising fee. Only services and commodities related to real estate will be permitted the opportunity to compete for advertising space. Advertisers will be selected through an open and public competitive solicitation process. The viability of this test will be analyzed after one year to determine

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whether the program is advantageous to Maricopa County. If it is determined that the policy has merit, the Board of Supervisors will direct the County Administrative Officer to implement the policy and make it available to other departments, offices, and agencies. (C73040016) (ADM631-005)

This item was withdrawn by the Clerk of the Board.

### **SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

#### **Solicitation Serials:**

**03051-C      ROAD GRADERS 160 HP AND TRADE-IN** (\$528,704.30 est/one year)  
Award a Total Life Cycle Cost Contract for the purchase of Five (5) or more 160 HP Road Graders as requested by the Equipment Services Department. Also approve the trade-in of the following equipment:

- UNIT #32, 1998 CAT. 140 HP ROAD GRADER, SERIAL 2ZK03513 - \$130,400
- UNIT #43, 1998 CAT. 140 HP ROAD GRADER, SERIAL 2ZK03527 - \$130,400
- UNIT #44, 1998 CAT. 140 HP ROAD GRADER, SERIAL 2ZK03525 - \$130,400
- UNIT #38, 1998 CAT. 120 HP ROAD GRADER, SERIAL 4MK00505 - \$96,000
- UNIT #39, 1998 CAT. 120 HP ROAD GRADER, SERIAL 4MK00507 - \$96,000
- Empire Machinery

#### **Sole Source:**

Award of a sole source purchase from International Cybernetics Corporation for an upgrade to MCDOT's vehicle data collection system. This equipment was initially purchased from this company through the bidding process and County is not aware of any alternative providers of this product upgrade. The total value of this procurement is \$60,000 and future upgrades will be subject to budgetary approvals. (C73041021)

- International Cybernetics Corporation

**Increase in the contract amount for the following contract(s).** This request is due to an increased usage by County departments.

**98168-SC      TELECOMMUNICATIONS/CABLING SERVICES** (\$150,000)  
Increase contract value from \$475,000 to \$625,000. This \$150,000 increase is requested by the MCSO Telecommunications Department to purchase additional Telecommunications/Cabling Services. This contract was initially awarded by the Board on February 17, 1999, and extended by the Materials Management Director on November 7, 2002, for \$425,000. This contract was also increased by the Materials Management Director in the amount of \$50,000 on August 15, 2003, for a new contract value of \$475,000. Contract expires February 28, 2004.

- ACS Dataline LP

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**00192-SC      CONCRETE PLACEMENT AND TRAFFIC SIGNAL EQUIPMENT  
FOUNDATION SERVICE (\$300,000)**

Increase contract value from \$1,000,000 to \$1,300,000. This \$300,000 increase is requested to correct the initial value of award which stated an estimated one year value instead of the intended three, and for MCDOT to purchase additional Concrete Placement and Traffic Signal Equipment Foundation Services to allow MCDOT to keep pace with County subdivision growth. Contract was initially awarded on February 21, 2001, and expires February 28, 2004.

- Dohrn Companies
- Briggs Builders
- Quackenbush Construction Corp.

**01028-SC      CONSTRUCTION EQUIPMENT RENTAL WITH OPERATOR (\$200,000)**

Increase contract value from \$495,000 to \$695,000. This \$200,000 increase is requested by the Department of Transportation and Flood Control to provide for continued Construction Rental Equipment Services. This contract was initially awarded on June 6, 2001, and expires June 30, 2004.

- O'Brien Concrete Pumping A Division of Richard O'Brien Companies
- Ronk's Excavating
- Qualex Construction Inc.
- Quackenbush Construction Corp.

**INTERGOVERNMENTAL AGREEMENTS FOR ANIMAL CONTROL FIELD SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve Intergovernmental Agreements with the following cities/towns and Maricopa County Animal Care & Control (AC&C) for the provision of animal control field services as determined in each contract, for enforcement of rabies/animal control in accordance with City Rabies/Animal Ordinance with Leash Law based on enhanced cost recovery for actual level of service. The terms of the contracts are from July 1, 2003, through June 30, 2004. AC&C has continued uninterrupted enforcement of animal control services from FY 2003 into FY 2004 beginning July 1, 2003.

- a) City of Tolleson agrees to pay an estimated \$19,693 (C79040142)
- b) Town of Fountain Hills agrees to pay an estimated \$54,181 (C79040152)
- c) City of Goodyear agrees to pay an estimated \$31,760 (C79040162)

**KENNEL PERMIT RENEWALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of August 27, 2003, through August 26, 2004. The permit renewal is recommended by Animal Care & Control with no complaints received and remedied. (ADM2304)

- a) Wanna Arendt, dba Arendt Kennels, 22406 South Recker Road, Gilbert, AZ 85297, Permit No. 367. The cost of the kennel permit is \$90, plus a return trip fee of \$50; totaling \$140. (C7904019C)
- b) Maxine Willis, dba Maxine Willis Kennels, 11302 West Broadway, Tolleson, AZ 85353, Permit No. 264. The cost of the kennel permit is \$90. (C7904020C)

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**FIFTH AMENDMENT TO LEASE WITH 1001 CENTRAL AVENUE LLC**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a fifth amendment to full service lease No. L7237 with 1001 Central Avenue, LLC, (JEFUSA, Inc.) for a 45,999 square foot environmental services office located at 1001 North Central Avenue, Phoenix. This amendment will extend the lease term for a 48-month period from July 1, 1004, through June 30, 2008. The Lessor will remodel the lobby waiting area to provide an exclusive area for environmental services at Lessor's cost. Annual rent for the renewal period is as follows:

Year 1 - \$793,482.75  
Year 3 - \$816,482.25

Year 2 - \$804,982.50  
Year 4 - \$827,982.00

Plus an added 2.5% estimated commercial lease tax to all rent amounts. This lease contains a 90-day termination clause with no penalty. (C8897024405)

**AMENDMENT TO MARICOPA COUNTY TRIP REDUCTION PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve amendment, which is a \$948,575 increase from the Arizona Department of Environmental Quality to fund the Maricopa County Trip Reduction Program and the Clean Air Campaign for the period July 1, 1999, through June 30, 2004. This amendment increases the total grant to \$4,742,875. The grant will fund sixteen FTE's and will support an intergovernmental Agreement in the amount of \$400,000 with the Regional Public transportation Authority. This grant represents the 16th consecutive year that the County has participated in this program. This grant authorizes the County to receive advance quarterly payments from ADEQ. No matching county funds are required and the grant covers county indirect costs. (C8800001304)

William "Blue" Crowley, citizen, said that this is the 16<sup>th</sup> year for this program to be in effect and he would like to see all government employees practice the "one in five that you don't drive."

**ADDITION TO FLEET OF THREE VEHICLES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) for authorization to expand the Environmental Services vehicle fleet with the purchase of three vehicles at a cost of \$65,700. These vehicles will be equipped for alternative fuel. The funding to purchase these vehicles will be from the U.S. Environmental Protection Agency Air Quality Grant. Expenditures required to operate these vehicles will also come from the same grant funding. These are grant funds, thus, not local revenues for purposes of Arizona Constitution article 9, section 20. (C8803052M) (ADM3104)

**COMMUNITY MOSAIC ARTS PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the development and implementation of a community mosaic arts program, Las Artes, to provide opportunities for at-risk youth to produce mosaic art projects and address the educational and academic need of the youth by pursuing high school diplomas or equivalents. The program will focus on youth ages 16 to 21 involved in the criminal justice system, school dropouts, and youth at risk of dropping out or not completing high school. Grant funds of \$130,000 are available from the federal Workforce Investment Act (WIA) Title 1-B Youth Program and the Arizona Department of Economic Security (AZDES) Division of Children, Youth, and Families. This funding will support full-year program costs in the amount of \$108,000 and facility costs not to exceed \$22,000. Additional facility costs will require

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future action by the Board of Supervisors to accommodate renovation of a facility to house the program. (C2204100M) (ADM2500)

**APPOINTMENTS TO MARICOPA WORKFORCE CONNECTION (MWC), INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint the following twenty-three individuals to the Maricopa Workforce Connection (MWC), Inc., which serves as the Workforce Investment Board for the balance of Maricopa County, outside the City of Phoenix, as required under the Workforce Investment Act (WIA) of 1998. The terms are effective upon appointment by the Board of Supervisors through June 30, 2005. (C2204101M) (ADM2512)

Tammy Adams	Ricardo Gerakos
Susan Schmidt	Susan Andrews
Janet Gray	Barbara Stahl
Max Beal	Mary Hannaman
Craig Steele	Neil Bourque
Rick Hansen	Deborah Ulan
Jolynn Clarke	Marilyn Harris
Richmond Vincent	Jane Fletcher
Marion Kelly	Craig Warren
Vicki Fox	Rosval Patterson
Keith Watkins	John Garza
Jim Ponte	

WIA requires local elected officials to appoint members to the local Workforce Investment Board. The MWC will serve as the Workforce Investment Board for Maricopa County. On November 5, 1999, the Board of Supervisors appointed members to the MWC to meet the requirements of WIA. The following eight individuals are either replacing MWC members who have resigned their appointments on the board due to job changes/time constraints or are new additions.

- a) Tammy Adams from Home Depot will replace Amie E. Cooper from Lowe's Home Improvement Warehouse.
- b) Vicki Fox from Express Scripts, Inc. will replace Audrey DeLange from Discover Financial Services
- c) Marilyn Harris from Banner Health will replace Marty Falk from Motorola.
- d) Jane Fletcher from JW Marriott Desert Ridge Resort will replace Jill Lewis from Fishel & Bocker HR Assoc.
- e) Jolynne Clark from Salt River Project will replace George Poteet from Salt River Project.
- f) Ricardo E. Gerakos from the United States Department of Housing and Urban Development will replace Connie Treloar from Maricopa County Housing Department.
- g) Keith Watkins from the Town of Buckeye will fill a vacant Economic Development seat.
- h) Susan Schmidt from the Human Services Department will replace Rich Marshall from the Human Services Department.

**AMENDMENT TO CONTRACT WITH MOUNTAIN PARK HEALTH CENTER**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to contract with Mountain Park Health Center to provide Well Women Health Check services to uninsured or underinsured women. The amendment increases the contract dollar amount by \$6,431. Total funding for the contract term ending September 30, 2003, will increase from \$21,627 to \$28,058. All other terms and conditions remain unchanged. (C8603071101)

**AMENDMENT TO CONTRACT WITH CHICANOS POR LA CAUSA, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to contract with Chicanos Por La Causa, Inc., for the provision of HIV behavioral health services. The amendment increases the contract dollar amount by \$48,945, effective upon Board of Supervisors' approval. Total funding for the period ending February 29, 2004, will increase from \$19,555 to \$68,500. (C8603703101)

**NON-FINANCIAL AFFILIATION AGREEMENT WITH SCOTTSDALE HEALTHCARE, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a non-financial affiliation agreement with Scottsdale Healthcare, Inc. to allow their participation in the Family Practice Residency Program in public health/community medicine. The term of the agreement is from Board of Supervisors approval to June 30, 2008. (C86040020)

**TRANSFER OF REVENUE AND EXPENDITURE AUTHORITY**

In accordance with ARS §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer of revenue and expenditure authority not-to-exceed the amounts listed below for each department from the Public Health Grant Fund (532) to the Animal Control Grants Fund (573), the Medical Examiner Grant Fund (224) and the Environmental Health Grant Fund (505). This action will require an appropriation adjustment decreasing the revenue and expenditure appropriations for FY 2003-2004 Public Health Fund (532) not-to-exceed \$125,000 and increasing the revenue and expenditure appropriations for the Animal Control Grants Fund (573) not-to-exceed \$27,000, the Medical Examiner Grant Fund (224) not-to-exceed \$65,000, and the Environmental Health Grant Fund (505) not-to-exceed \$33,000. These adjustments will result in a countywide net impact of zero. This appropriation adjustment is being requested to correct the distribution of grant funds among departments participating in the BioDefense Grant. (C8604013M) (ADM2150)

**CONTRACTS/INTERGOVERNMENTAL AGREEMENTS WITH VARIOUS SCHOOL DISTRICTS – TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Contracts/Intergovernmental Agreements, as follows, to provide school-based tobacco use prevention and education services. The terms of the agreements are from Board approval to June 30, 2004. In 1995, as a result of the Tobacco Tax Initiative, the Arizona Legislature authorized the Arizona Department of Health Services to develop community tobacco prevention and cessation programs. The Maricopa County Department of Public Health works with ADHS to identify strategies and implement school-based tobacco use prevention and education services for the unserved areas of Maricopa County. Funding for these agreements is provided by a grant from ADHS and will not increase the county general fund budget.

- a) Pendergast School District for a contract dollar amount not-to-exceed \$20,000. (C86043502)

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- b) Laveen Elementary School District for a contract dollar amount not-to-exceed \$6,000. (C86043592)

**RELEASE OF POLICYHOLDER CLAIM AGAINST THE TRAVELERS INSURANCE COMPANY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and authorize the execution of a Release of Policyholder Claim against The Travelers Insurance Company in consideration for the payment of \$469,598. This payment is in settlement of the county's claims for the cost of repairs to the Roosevelt Irrigation District canal which was damaged during the construction of the Lower Buckeye Jail Central Services Facility located at 3150 West Lower Buckeye Road. (C40040050) (ADM850)

**MARICOPA COUNTY EMERGENCY OPERATIONS PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Maricopa County Emergency Operations Plan dated August 2003. The plan provides the framework within which county government responds to major emergencies and disasters. It specifies the duties and responsibilities of the various county departments in a disaster situation, and it outlines the steps that must be taken to obtain assistance from the state and federal governments if a disaster is beyond the capability of the county to handle with available resources. This plan replaces the Maricopa County Emergency Operations Plan dated February 16, 1999. There is no financial impact to the county as a result of this plan. (C15040266) (ADM903)

**DONATION FROM ARCH CHEMICALS CORPORATE CONTRIBUTIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and accept a donation of \$500 from Arch Chemicals Corporate Contributions to purchase materials and to support future exercises on behalf of the Local Emergency Planning Committee (LEPC), for which the Department of Emergency Management provides the administrative support. (C15040270) (ADM900)

**PROFESSIONAL SERVICES CONTRACTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following professional services contracts for two-year periods for each contract. The consultant will provide planning, programming, estimating, design, and construction administration services for various county projects. Consultant fees for this two-year period shall be \$250,000 or less (each contract) and are paid by the county's Major Maintenance budget or by budgeted department funds.

- a) DWL Architects + Planners, Inc., to provide "as needed" architectural services. (C70040095)
- b) Four Corners Environmental, Inc., to provide "as needed" environmental engineering services. (C70040105)

**ADDITION TO THE FLEET OF ONE 525 GALLON, "ARENA SPECIAL" WATER TRAILER**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition to the fleet one 525 gallon, "Arena Special" water trailer in the amount of \$3,746.35. The purchase costs will be paid from the Facilities Management operating budget. This



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amount includes tax and freight. The purchase of the water trailer is for use at the county's White Tanks Cemetery to reduce the amount of dust created when county personnel are carrying out activities associated with the county's Indigent Burial Program. Dust control measures are required under EPA PM10 regulations. Facilities Management explored using the county's contract vendor for this purpose and determined that the cost associated with utilizing the vendor at \$500 per day on a weekly basis was cost prohibitive. (C70040118) (ADM3104)

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

- |                     |  |
|---------------------|--|
| A002.001<br>(LJS)   | Project No: 68993 and 68995 - El Mirage Road - Permanent Roadway Easement - Parcel No. 503-67-025, 026; 503-53-045, 046, 047; 232-09-984B - Flood Control District of Maricopa County - for the sum of \$285,401.00.                                 |
| A215.006<br>(CS)    | Project No: 69010 - Stacey Road (164th - Higley Road) - Easement and Agreement for Highway Purposes - Parcel No. 304-86-031C, 304-86-031D and 304-86-031F - L & J Equities, L.L.C. - for the sum of \$6,643.00.                                      |
| A215.006<br>(CS)    | Project No: 69010 - Stacey Road (164th - Higley Road) - Purchase Agreement and Escrow Instructions - Parcel No. 304-86-031C, 304-86-031D and 304-86-031F - L & J Equities, L.L.C.  |
| A267.008<br>(AC)    | Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Warranty Deed - Parcel No. 303-32-019, 020 - Jack Welch, as trustee – for the sum of \$30,000.00.  |
| A267.008-1<br>(AC)  | Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 303-32-019, 020 - Jack Welch, as trustee - for the sum of \$100.00.                              |
| A267.008<br>(AC)    | Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-32-019, 020 – Jack Welch, as trustee.  |
| A267.009<br>(LJS)   | Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Warranty Deed - Parcel No. 303-32-006B, 025 - Jack Dean Welch and Marie Flake Welch, as trustees - for the sum of \$17,000.00.   |
| A267.009-1<br>(LJS) | Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Temporary Construction Easement and Agreement for Highway Purposes – Parcel No. 303-32-006B, 025 - Jack Dean Welch and Marie Flake Welch, as trustees – for the sum of \$100.00. |
| A267.009<br>(LJS)   | Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-32-006B, 025 – Jack Dean Welch and Marie Flake Welch, as trustees.   |

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|-----------------|---|
| DD-9431<br>(TS) | R/W Dedication - Easement and Agreement for Highway Purposes – Parcel No. 502-08-032C - James E. Ramsey and Linda R. Ramsey - for the sum of \$10.00.                               |
| DD-9431<br>(TS) | R/W Dedication - Purchase Agreement and Escrow Instructions – Parcel No. 502-08-032C - James E. Ramsey and Linda R. Ramsey.   |
| X-1555<br>(AC)  | Project No: 68927 - Ellsworth Road (Germann Road - Guadalupe Road) - Warranty Deed - Parcel No. 304-31-010A – Sumac Enterprises Limited Partnership - for the sum of \$9,266.00.    |
| X-1555<br>(AC)  | Project No: 68927 - Ellsworth Road (Germann Road - Guadalupe Road) - Purchase Agreement and Escrow Instructions - Parcel No. 304-31-010A – Sumac Enterprises Limited Partnership.   |
| X-511<br>(AC)   | Project No: 68927 - Ellsworth Road (Germann Road - Guadalupe Road) - Warranty Deed - Parcel No. 304-31-010A - Mormino Investments Limited Partnership - for the sum of \$9,266.00.  |
| X-511<br>(AC)   | Project No: 68927 - Ellsworth Road (Germann Road - Guadalupe Road) - Purchase Agreement and Escrow Instructions - Parcel No. 304-31-010A – Mormino Investments Limited Partnership. |

**ROAD ABANDONMENT (ROAD FILE NO. 5274)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64040555)

**WHEREAS**, pursuant to A.R.S. §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

A portion of Patterson road lying within the Northeast quarter of Section Seven (7), Township Three (3) South, Range Four (4) West of the Gila and Salt River Base and Meridian, Maricopa County Arizona, said roadway is described in Docket 2372, page 143, in Book 12 of Road Maps, Page 10, and in Recorder No. 2002-0392293, Maricopa County Records, said portion of Patterson Road is more particularly described as follows:

COMMENCING at a point on the North line of Section 8 of said Township 3 South, Range 4 West, which point bears North 87°33'27" East 600.58 feet from the Northeast corner of said Section 7 as recorded in said Docket 2372, Page 143 and Book 12 of Road Maps, Page 10 records of Maricopa County;

Thence, South 02°26' 33" East, 40.00 feet to a point on the Southerly right-of-way line of Patterson Road and the beginning of a tangent concave curve Southeasterly as recorded in said Docket 2372 and said Book 12 of Road Maps, Page 10;

Thence along said curve having a radius of 914.93 feet, a central angle of 41°32' 07", a length of 663.26 feet and a chord bearing South 66°47'24" West 648.83 feet to a point on the East line of said Section 7 and the POINT OF BEGINNING;

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Thence continuing along said curve of Radius 914.93 feet, having a central angle of 22°47'53", a length of 364.05 feet, and a chord bearing South 34°37'24" West 361.65 feet to a point;

Thence South 23°13'27" West 100.00 feet to the beginning of a tangent concave curve to the right:

Thence along said curve having a radius of 994.93 feet, a central angle of 15°02'25 ", a length of 261.17 feet and a chord bearing South 30°44'40" West 260.42 feet to a point on the Northeasterly right-of-way line of the Gila Bend (Gillespie) Canal designated by the U. S. Bureau of Land Management as Phoenix 086674 for the Gila Water Company;

Thence North 47°37'38" West 80.22 feet along the Northeasterly right-of-way line of said Canal to a point on a non-tangent curve to the left and concave Northwesterly;

Thence along said curve having a radius of 914.93 feet, a central angle of 14°40'51", a length of 234.43 feet, and a chord bearing North 30°33'52" East 233.79 feet to a point; Thence North 23°13'27" East 100.00 feet to a tangent concave curve to the right; Thence along said curve having a radius of 994.93 feet, a central angle of 26°56'03", a length of 467.71 feet, and a chord bearing North 36°41'28" East 463.40 feet to a point on the East line of said Section 7;

Thence South 01°09'02" East 105.55 feet along the, East line of said Section 7 to the POINT OF BEGINNING.

EXCEPT, any portion thereof, lying within the roadway described in Docket 6984, Pages 709 and 710, Maricopa County Records.

**WHEREAS**, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

**WHEREAS**, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

**NOW, THEREFORE, IT IS ORDERED** that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**DATED** this 27<sup>th</sup> day of August 2003.

**MARICOPA ASSOCIATION OF GOVERNMENTS HYBRID REGIONAL TRANSPORTATION PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt the official County position concerning the Maricopa Association of Governments Hybrid Regional Transportation Plan. (ADM2053)

Blue Crowley, citizen, said that this is supposed to be a regional plan and that the 20 miles of light rail are all in the City of Phoenix and serving the City of Phoenix. He asked, "when it's (rail) a major component in

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the plan how is that regional?" He felt it would be more regional if the rail connected several cities to serve those citizens.

**CHANGE ORDERS TO CONTRACT WITH URS CORPORATION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Change Order Nos. 4, 5, and 6, as follows, with URS Corporation, Contract No. CY 2001-36:

- a) No. 4 in an amount not-to-exceed \$282,955 for the preparation of right-of-way delineation plans along SR 303L from I-10 to US 60, Project T-109. This change order is needed for the preparation of right of way delineation plans, requested by MCDOT. This will provide early identification of right of way needs and the as-built centerline of US 60 and I-10 will be more accurately defined based on better horizontal control. (C6401241504)
- b) No. 5, in an amount not-to-exceed \$44,407 to perform an assessment of the safety needs for Loop 303, from I-10 to US 60, Project No. T109. This change order was requested by McDOT to assess the immediate safety needs on SR 303. The scope is divided into two phases. Phase I is the study phase and outlines the investigation of the safety needs and make recommendations to improve safety. Phase II of this scope will be determined by the results found in the Final Study Report. Once Phase I is complete, URS will negotiate a scope of work and fee to prepare construction drawings, specifications, and cost estimates for the recommended alternatives. (C6401241505)
- c) No. 6, in an amount not-to-exceed \$24,210 for the extension of the Loop 303 project limits from I-10 south to the Gila River and to provide environmental documentation needed for the Flood Control District of Maricopa County (FCD) plans to convey Loop 303 drainage to the river, Project No. T109. Previous assumptions indicated the environmental documentation work the FCD was developing for the Area Drainage Master Study could be referenced in the SR 303L (I-10 to US 60) Environmental Assessment (EA). The original scope and Change Order No. 2 did not anticipate the need to provide environmental documentation for the FCD plans for conveying Loop 303 drainage south to the Gila River. Subsequently, it was determined the level of analysis and documentation prepared by the FCD is not sufficient to secure project level environmental clearance from FHWA. (C6401241506)

**INTERGOVERNMENTAL AGREEMENT WITH GILA RIVER INDIAN COMMUNITY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement between Maricopa County and the Gila River Indian Community regarding the maintenance of two traffic signals at the intersections of Wildhorse Pass and Maricopa Road and Allison Road and 56<sup>th</sup> Street. The county will agree to operate and maintain the signals and the community will pay all costs associated with the operation and maintenance of the two signals estimated at approximately \$700 per year per signal. Recently, the county returned portions of the Maricopa Road right-of-way back to the community under agenda item C64030162. The signals referred to exist within the recently returned right-of-way. At this time, the community does not have the staffing to properly operate and maintain the signals. The county should not incur any loss in revenue, as all costs will be recovered by annually invoicing the community prior to the end of FY's 2004, 2005, 2006,

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2007, and 2008 with reimbursement to be forwarded no later than July 31 of FY's 2005, 2006, 2007, 2008 and 2009. (C64040312)

**ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE TOWN OF BUCKEYE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the Town of Buckeye of Miller Road from approximately 1,320 feet north of Southern Avenue, thence North 1,320 feet, together with the north ½ of Beloit Road from Apache Road (Cemetery Road aka 243<sup>rd</sup> Avenue), thence west approximately 1,320 feet, except the west 10 feet of the east 2,192.6 feet, in accordance with Town Ordinance No. 28-03. (C64040565) (ADM4202)

**ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE TOWN OF QUEEN CREEK**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the Town of Queen Creek of Sossaman Road, from approximately 1,800 feet south of Queen Creek Road, north a distance of approximately 4,468 feet, in accordance with Town Ordinance No. 261-03. (C64040615) (ADM4224)

**AMENDMENT TO CURRENT FY 2003-2004 FIVE-YEAR CIP**

In accordance with ARS §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an amendment to the current FY 2003-2004 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 capital budget for the following project:

- Project T103, El Mirage: Bell to Beardsley (McDOT No. 68993) capital budget by \$2,650,000 and adjusting the following projects by increasing the FY 2004 (Year 1) capital budget for each;
- Project T031, PM10 Roads (Ph 2) in NE Area (Grp 3) (McDOT No. 16207) capital budget by \$600,000;
- Project T033, PM10 Roads (Ph 2) in NW Area (Grp 1) (McDOT No. 16209) capital budget by \$930,000;
- Project T034, PM10 Roads (Ph 2) in NW Area (Grp 2) (McDOT No. 16210) capital budget by \$1,120,000 for a net impact of zero.

The requested adjustments are necessary to realign the project budgets to more closely match the year-end projected expenditure amounts. (C64040598) (ADM1820)

**PUBLIC RIGHT-OF-WAY AS CONVEYED IN MAP OF DEDICATION FOR GAVILAN PEAK PARKWAY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and accept public right-of-way as conveyed in the Map of Dedication for Gavilan Peak Parkway. Gavilan Peak Parkway will be improved to county standards, at no expense to Maricopa County, as part of the arterial and collector roadway system for the Anthem development. The alignment is consistent with the amended development master plan for Anthem (DMP 200008) as approved by the Board of Supervisors on October 18, 2000. (C64040577) (ADM2007)

**INTERGOVERNMENTAL AGREEMENTS WITH CITY OF CHANDLER**

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreements between Maricopa County and the City of Chandler regarding the construction of the following roadway improvements:

- a) Ray Road between Bullmoose Drive and Dobson Road, Project T137 (McDOT No. 69061). The city and county will share the responsibilities for the project with the city leading the construction efforts and the county participating financially. The total project cost is estimated at \$1,000,000, and the county's cost share is capped at \$198,000. The project is schedule for construction in FY 2004. Also, in accordance with ARS §42-17106(B), approve an amendment to the current FY 2003-2004 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 (Year 1) capital budget for the following project: Project T002, Project Reserves Account (MCDOT No. 69998) capital budget by \$198,000; and adjusting the following project by increasing the FY 2004 (Year 1) capital budget: Project T137, Ray Road from Bullmoose to Dobson (McDOT No. 69061) capital budget by \$198,000; for a net impact of zero. (C64040582)
- b) McQueen Road, from Queen Creek Road to Pecos Road. The city and county will share the responsibilities for the project with the county leading the construction efforts and the city participating financially. The total project cost is estimated at \$6,200,000. The county's construction cost share is estimated at \$3,200,000, and the city's cost share estimated at \$3,000,000. The project is schedule for construction in FY 2005 and is budgeted in fiscal year ending June 30, 2005, under McDOT Work Order No. 68949, T-076. (C64040592)
- c) Box culvert improvements which spans the Eastern Canal on Queen Creek Road. Both parties have jurisdictional responsibility, and will share in the cost of the design and construction of the project. The project cost is estimated at \$550,000, with the county's cost share estimated at \$489,000, and the city's cost share estimated at \$61,000. The project is scheduled to be constructed in FY 2004 under Project T-085 (McDOT Work Order No. 68962). Also, in accordance with ARS §42-17106(B), approve an amendment to the current FY 2003-2004 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 (Year 1) capital budget for the following project: Project T002, Project Reserves Account (McDOT No. 69998) capital budget by \$550,000 and adjusting the following project by increasing the FY 2004 (Year 1) capital budget: Project T085, Queen Creek Culvert at Eastern Canal (McDOT No. 68962) capital budget by \$550,000; for a net impact of zero. (C64040602)

**MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

**AMENDMENT TO CONTRACT WITH BEST MEDICAL GROUP, LLC**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 6 to the contract with Best Medical Group, L.L.C., dba Jesse Owens Medical Center, for Urgent Care Services to:

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- a) extend the contract term for one year, from October 19, 2003, through October 18, 2004,
- b) retroactively approve the addition of \$51,309 to the current not-to-exceed amount of \$300,000 to bring the not-to-exceed amount to \$351,309 through October 18, 2003,
- c) fund the extension by adding \$175,655 to the amended not-to-exceed amount of \$351,309, making the new not-to-exceed amount \$526,964.

The contract may be extended up to a total term of five years, and either party may terminate the contract with 90-days written notice. (C6000005106)

**AMENDMENT TO CONTRACT WITH HOSPICE OF ARIZONA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 4 to the hospice services contract with Hospice of Arizona to:

- a) extend the contract for one year from October 1, 2003, through September 30, 2004, making the aggregate term October 1, 1999, through September 30, 2004, and
- b) retroactively approve the addition of \$108,687 to the current not-to-exceed amount of \$407,500 to bring the not-to-exceed amount to \$516,187 through September 30, 2003, and
- c) fund the extension by adding \$118,343 to the amended not-to-exceed amount of \$516,187, making the new not-to-exceed amount \$634,530.

The contract may be extended for a total term of up to five years and may be terminated with 90-days written notice by either party. (C6000006104)

**REVENUE INTERGOVERNMENTAL AGREEMENT WITH CENTERS FOR MEDICARE AND MEDICAID SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a revenue intergovernmental agreement with Centers for Medicare and Medicaid Services (CMS), effective January 1, 2004, through December 31, 2004, to permit Maricopa Integrated Health Systems – Health Plans (MIHS-HP) to remain a provider of the Medicare+Choice (M+C) Program. This contract may be renewed for additional one-year periods, any MIHS-HP decision not to renew must be received by CMS six months before the renewal is to take effect. This contract replaces C60020141. Expected annual revenue is \$59,365,875, budgeted expenses for the Maricopa Senior Select Plan (MSSP) are \$63,273,024, resulting in a budgeted loss for MSSP of \$3,907,149. Although there is a budgeted loss for MSSP, this plan will provide approximately \$3.7 million and \$4.0 million of operating margin to Maricopa Medical Center and Maricopa Long Term Care Plan, respectively, during 2004. (C60040792)

**CONTRACT WITH WALGREEN'S HEALTH INITIATIVE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a new contract with Walgreen's Health Initiative (WHI) for the provision of Durable Medical Equipment (DME) and Medically Necessary Supplies to Maricopa Long Term Care Plan (MLTCP), Maricopa Health Plan (MHP), Maricopa Senior Select Plan (MSSP), and Health Select (HS) members.

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This contract features a per member per month (PMPM) rate by service by health plan. Also, establish a not-to-exceed amount of \$10,326,000 for the initial contract period of September 1, 2003, through August 31, 2006. This contract may be terminated upon 90-days prior written notice and may be extended not-to-exceed a total contract term of five years. This contract was procured in accordance with the Maricopa County Procurement Code. (C60040801)

**CONTRACT WITH OUTLOOK ASSOCIATES, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a new contract with Outlook Associates, Inc., to provide Information Technology (IT) Consultant Services. Outlook Associates, Inc. will perform evaluation, system configuration and related operational processes on the managed care information system. The initial term of the contract is upon Board of Supervisors' approval through August 26, 2004, with an option to extend up to four additional annual periods. The aggregate not-to-exceed amount is \$172,900. Either party may terminate this contract at any time with 90-days notice in writing to the other party. (C60040861)

**AMENDMENT TO CONTRACT WITH MEDICAL PROFESSIONAL ASSOCIATES OF ARIZONA, P.C. (MedPro)**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to retroactively approve Amendment No. 4 to the contract with Medical Professional Associates of Arizona, P.C., (MedPro), with a retroactive implementation date of July 1, 2003; thus Amendment No. 4 extends the existing compensation and lease provisions six months, from July 1, 2003, through December 31, 2003. Amendment No. 4 further clarifies MedPro's obligation to conform to Arizona law and County policy with regard to fulfilling the requirements of or coordinating activities for any graduate medical education program and the program's respective accrediting body. The aggregate not-to-exceed amount of \$190,292,572 remains unchanged. The agreement may be terminated upon 180-days prior written notice. (C9002059104)

**AMENDMENT TO CONTRACT WITH PHOENIX CHILDREN'S HOSPITAL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to retroactively approve Amendment No. 4 to the contract with Phoenix Children's Hospital for HIV Outreach, Clinical Trials Referral, Case Management and Perinatal Services to extend the current contract term an additional year from August 1, 2003, through July 31, 2004, making the aggregate term August 1, 2001, through July 31, 2004, and increases the contract not-to-exceed amount by \$113,836, from \$134,681 to \$248,517. This contract may be extended up to a total term of five years and may be terminated with 90-days written notice by either party. (C9002503104)

**ON-CALL CONSULTANT SERVICES CONTRACTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following on-call consultant services contracts for architectural, landscape architectural, interior design, planning and engineering (civil, electrical, structural and mechanical) services with the following, for a not-to-exceed amount for \$250,000 (each contract). The contracts are for a period of two years (each) from the date of execution by the Board of Supervisors. Consultant services shall include, but are not limited to, design and construction administration of various projects for Maricopa Integrated Health System. There are no renewal options.

- a) The Orcutt/Winslow Partnership (C90040085)



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- b) The Stichler Group (C90040095)

**CONTRACT WITH ILIANT CORPORATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a new contract with ILIANT Corporation for the provision of professional medical fee billing services. The contractor will bill and collect professional fees for Maricopa Integrated Health System (MIHS) on behalf of the Family Health Centers and the Dental Clinics. The initial term of the contract is upon Board of Supervisors' approval through August 26, 2005, with an option to extend up to three additional annual periods. The aggregate not-to-exceed amount is \$200,000 annually. In addition to the annual not-to-exceed, MIHS will pay a one-time interface fee of \$7,000 payable upon contract approval, to facilitate communication between MIHS' and Iliant's system. Either party may terminate this contract at any time with 90-days notice in writing to the other party. (C90040291)

**REVENUE CONTRACT WITH VALUEOPTIONS, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to retroactively approve a new revenue contract between ValueOptions, Inc. and Maricopa Integrated Health System, effective July 1, 2003, through June 30, 2004. Under this agreement, MIHS would provide inpatient and outpatient behavioral health services to ValueOptions members at the MMC and Desert Vista sites. This contract may be terminated upon 60-days prior written notice. Gross revenue is projected to be \$20,800,000. There are attendant costs associated with providing this service. (C90040301)

**WAIVERS MARICOPA COUNTY EMPLOYEE MERIT SYSTEM RULES AND LEAVE PLAN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize a waiver of Section 12 of the Maricopa County Employee Merit System Resolution and Rules 4 through 6 of the Maricopa County Employee Merit System Rules, to permit the hiring of current McKesson/HBOC employees who are performing outsourced IT services to MIHS, without competitive recruitment; and Section III.G of the Employee Leave Plan to permit the same employees to accrue paid leave on the basis of years of employment with McKesson/HBOC at MIHS and previous years of employment with Maricopa County (even where they have withdrawn their contributions from the Arizona State Retirement System). All other provisions of the Maricopa County Employee Merit System Resolution, Maricopa County Employee Merit System Rules, and Maricopa County Employee Leave Plan shall remain in effect. The IT outsourcing agreement with McKesson (formerly HBOC) C90980141 will terminate on August 31, 2003. MIHS will insource IT services effective September 1, 2003. (C9004033M) (ADM3330) (ADM3320)

**CONTRACT WITH AREA AGENCY ON AGING REGION I dba CARE DIRECTIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to retroactively approve a new contract with Area Agency on Aging Region I dba Care Directions for HIV Case Management and Referral Services. Contract term is August 1, 2003, through July 31, 2004, with options to renew up to three additional years. The annual contact not-to-exceed amount is \$211,257. This contract may be terminated by either party with 90-days written notice. (C90040401)

**APPOINTMENT OF MIKE NOBLE**

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to appoint Mr. Mike Noble to the Travel Reduction Program Regional Task Force, as the District 2 nominee. The term of appointment will be from the date of Board approval through January 31, 2004. (C06040110) (ADM2358)

**PUBLIC HEARING SET FOR CODE ENFORCEMENT REVIEW – SHARON LEE KINNEY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to allow oral argument will be permitted in the review of the Hearing Officer's Order of Judgement in Zoning Code Violation Case No. V2002-0000376, Sharon Lee Kinney, and schedule a public hearing for 9:00 a.m., Wednesday, September 10, 2003. (Supervisory District No. 4) (ADM3417-19)

**PUBLIC HEARING SET ON MWBE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, September 24, 2003, to solicit public comments on the MWBE - Minority and Women Owned Business Enterprise Program. A public hearing is required per the MWBE document prior to extension of the MWBE Program. The purpose of the public hearing is to gather input from the community prior to presentation to the Board of Supervisors' for consideration of approval and extension of the MWBE Program. This program was initially approved by the Board on January 1, 1992, with subsequent revisions on July 26, 2000, and June 6, 2001. (C64040625) (ADM679)

**HEARING SCHEDULED - PLANNING AND ZONING CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for September 10, 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

**Z2002-002; Z2002-159; Z2003-025**

**MINUTES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held June 30, July 1, and 2, 2003.

**PRECINCT COMMITTEEMEN**

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

**PAYMENT OF CLAIMS TO THE ARIZONA STATE RETIREMENT SYSTEM**

No payments have been reported at this time. (C31040018) (ADM3309)

**CONTRIBUTIONS GENERATED FOR THE 2004 NACO ANNUAL CONFERENCE**

No contributions have been received to date. (C2003015M) (ADM652)

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**2004 COMBINED CHARITABLE CAMPAIGN CONTRIBUTIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the acceptance of cash and in-kind contributions generated for the 2004 Combined Charitable Campaign through corporate sponsorships and donations. These contributions will support the expenses associated with the Maricopa County 2004 Combined Charitable Campaign and will also be used as incentives to encourage employee participation. Itemized listings of commitments and donations received will be on file in the office of the Clerk of the Board. (C88040057) (ADM3911-002)

<b>Company Name/Business</b>	<b>Items Donated</b>
Nationwide Retirement Solutions	100 calculators 100 T-Shirts Continental Breakfast for Dept. Rep. Training = \$1379.65
Avery Dennison	5 boxes (500) name badges, item # 74461, (Casual Day Badge)
Office Depot	Coordinated the donation of badges from Avery Denison
Frys Food Store	\$20 Gift Certificate to a Frys Store
Dodge Theatre	Dodge Theatre for Kick Off & 2 tickets to an upcoming show
Balloons Works	Balloons for Kick Off Event
Phoenix Suns Gorilla	Gorilla for 30 minutes for Kick Off
	Framed Picture & Jack Nicklaus shirt
North Star College	Gift certificate for a 30 minute student chart reading/consultation
Rain Star University	Gift Certificate
Majerles Sports Grill	Gift Certificate for dinner for two at Majerles Sports Grill
Phoenix Suns Dancers	Phoenix Suns Dancers to perform at the Kick Off event
Adopt-A-Bae	Wood Sculpted Bear
Hollywood Video	Two buckets of popcorn, 4 boxes of candies, 4 DVDs, cost of approximately \$70
Chef Randall	Turbo Cooker

**SECURED TAX ROLLS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

<b>Tax Roll</b>	<b>From No.</b>	<b>To No.</b>	<b>Net Result</b>
2000	10792	10851	-\$47,493.44
2000	10852	10857	-\$585.46
2001	36266	36305	-\$143,823.36
2001	36306	36316	-\$2,376.04

**2003 TAX YEAR EXEMPTIONS**

Pursuant to ARS §42-11153(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve redemption of waivers for individuals and organizations requesting exemption of the 2003 tax year. The list is on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library, Archives, and Public Records retention schedule. (ADM721)

**DUPLICATE WARRANTS**

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Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approval is requested that duplicate warrants be issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Astro Distributing & Leasing	330555823	Expense	\$59.75
Karissa Whitehill	0061191	Payroll	\$819.19

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Marta Vargas	PESD #1	1629923	\$1,090.32
Florence Hallford	Laveen SD #59	13-0013954	\$894.54
Florence Hallford	Laveen SD #59	13-0014074	\$15,440.34
Fisher Science Education	Higley Unified SD	430047663	\$331.95
Dana Larkey	Laveen SD #59	13-0013889	\$1,250.97
Edward T Ahart	Supt of Schools	13-0168625	\$600.43
Kerry Johnson	MSD	140006890	\$652.13
Irene Carlos	County School Office	14-11038	\$760.11
Virginia Carbajal	Isaac SD #5	13-0165531	\$37.08
Mario Angelo de Leon	Isaac SD #5	14-0011215	\$488.62
Kinko's	Pendergast SD #92	43-125909	\$824.78
Kinko's	Pendergast SD #92	43-120618	\$315.27
APS/AZ Public Service Co	Murphy Elem SD #21	44-0005284	\$25,870.79
Jane B Murray	Roosevelt SD #66	140012124	\$1,052.04
James Murlless	Queen Creek SD #95	95520309	\$2,389.17

**STALE DATED WARRANTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

<b><u>NAME</u></b>	<b><u>AMOUNT</u></b>
Nathaniel C Harvey	\$13.80
Carl F Naegeli	\$580.04
Carl F Naegeli	\$63.32
Amy Boise	\$212.11
First Financial Title Agency	\$100.00
First Financial Title Agency	\$240.00
First Financial Title Agency	\$240.00
First Financial Title Agency	\$50.00

**SETTLEMENT OF TAX CASES**

No tax cases were presented at this time. (ADM704)

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**CLASSIFICATION CHANGES**

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Assessor's recommended change to classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
111-21-051	2003	Alan Doubleday	LC/4	LC/3
141-44-164	2001	Carol Scalise	LC/4	LC/3
141-44-164	2002	Carol Scalise	LC/4	LC/3
141-44-164	2003	Carol Scalise	LC/4	LC/3
159-41-282A	2003	Marie E Schmitt	LC/4	Mixed
200-39-104	2003	Ronald Hurni	LC/4	LC/3

**COMPROMISES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held August 11, 2003.) (ADM407)

Sasha Allain	\$2,714.84	Joe Bass	\$ 950.00
William DeMoss	2,400.00	Brandon Gonzalez	4,500.00
Susan Harke	5,000.00	Alize Infante	2,000.00
Nicole Infante	900.00	Sonia Leyvas	6,500.00
Jacques Michalski	1,149.55	Nelson Ortiz	4,800.00
Ana Palofox-Gonzalez	500.00	Rebecca Priddy	8,500.00
John Williams	42,000.00	Maclovio Zepeda	3,820.48

**WRITE-OFFS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the requested write-off as payment in full for the following: (Discussed in Executive Session held August 11, 2003.) (ADM407)

Tristan Cupples	\$13,340.57	Jeffrey Chas. Ackley	\$ 120.00
Marc David Blondin	1,415.00	Andrew Raymond Chavez	375.00
Russell Jarvis	36.00	Kay Donald Jones	542.50
Joseph C. Matter	1,432.00	Thomas J. Orneals	1,160.00
Robert Knight	2,012.00	Martin M. Martinez	2,848.00
Sandra Minks	548.75	Earl Richard Perrin	27.00

**APPOINTMENT OF DONALD W. BAKER TO THE SELF-INSURED TRUST FUND BOARD OF TRUSTEES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to appoint Donald W. Baker to the Self-Insured Trust Fund Board of Trustees, as the District 3 nominee. The term will be from the date of Board approval through June 30, 2004. (Addendum A-1.) (C06040120) (ADM3713)

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**PUBLIC COMMENT**

Wm. C. "Blue" Crowley said that his cousin, Billy Bush, grandson of the man the Bush Highway was named for, had recently died. He reported that the elder Mr. Bush had been an advocate of getting the roads, that later became highways, "done right the first time" and referenced the new Regional Transportation Plan. He said that the people at MAG need to realize that the County is the region that the regional plan is dealing with and they need to take care that what is being done will assure that "transportation today is also being done right and with a sensitivity to the environment." (ADM605)

**SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS**

Supervisor Wilcox and Chairman Brock remarked on the basketball game slated for noon today at the Dodge Theater involving some former Phoenix Suns and certain of the County administrators including David Smith, Paul Ahler and Chairman Brock to kick-off the 2004 Combined Charitable Campaign. All County employees are encouraged to attend this kick-off celebration. (ADM606)

**PLANNING AND ZONING**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

- |           |                   |  |
|-----------|-------------------|--|
| <b>1.</b> | <b>S2002064</b>   | <b>District 4</b>  |
|           | <b>Applicant:</b> | Evan Crane on behalf of Peak View Ranch LLC  |
|           | <b>Location:</b>  | Northeast corner of Patton Rd. and 231 <sup>st</sup> Ave. (in the Surprise area)                         |
|           | <b>Request:</b>   | Final Plat in the Rural-43 zoning district for Peak View Ranch Unit 1 (approximately 120.25 gross acres) |

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this final plat.

- |           |                   |   |
|-----------|-------------------|---|
| <b>2.</b> | <b>Z2003-010</b>  | <b>District 1</b>   |
|           | <b>Applicant:</b> | David Yates, Nextel Communications  |
|           | <b>Location:</b>  | 719 N. Mary St. – near Scottsdale Rd. & Loop 202 (in the north Tempe area)  |
|           | <b>Request:</b>   | Major Amendment to a Plan of Development for a wireless communications facility at an industrial storage yard in the IND-2 zoning district, Cellular Use District 1 |

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2003-010, subject to the following stipulations "a" through "I". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

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- a. Development and use of the site shall be in substantial conformance with the site plan entitled "SUN DEVIL AZOO22". Consisting of one (1) full-size sheet, dated May 12, 2003 and stamped by the registered architect May 14, 2003, and stamped received May 15, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Project Narrative" consisting of three (3) pages, stamped received May 15, 2003, except as modified by the following stipulations.
- c. Major changes to the Plan of Development (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by Planning and Development Department staff.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- e. A building permit must be issued and final inspections completed within two years. A status report including photographs of the tower and facility shall be submitted within two (2) years of approval by the Board of Supervisors, or when fully equipped and finished - whichever occurs first.
- f. No antenna arrays shall be greater than five feet (8') in width and under no conditions will a catwalk type of array be permitted. Failure to comply with this requirement shall constitute non-compliance with the plan of development and shall be considered a zoning code violation. Immediate removal of the offending antenna array shall then be required, and a Major Amendment shall be required before a larger antenna array would be permitted.
- g. The monopole together with all antennas and attachments will not exceed 84' in height as measured from base ground level, minimal in nature.
- h. The monopole shall be limited to a maximum of four (4) separate antenna arrays, and one (1) microwave dish.
- i. All cabling between equipment on the ground and antennas on the tower shall be internal and not be allowed to run external to the tower, unless covered and be the same color as the tower
- j. Three additional, future carriers will be allowed with an Administrative Amendment to the site Plan of Development, subject to the same stipulations and the ability to locate within the existing ground equipment area. Under these conditions co-location could be administratively approved by staff of the Planning and Development Department.
- k. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.

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- I. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval of this amendment to the plan, subject to stipulations "a" through "I."

**ADDENDUM ITEM A-2 FINAL PLAT FOR BREKANWOOD ESTATES**

Chairman Brock also called for a vote on Addendum item A-2 at this time, taking it as part of the Consent Agenda. Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve S2003-017, Final Plat in the R-4 zoning district for Brekanwood Estates located at the northeast corner of 172<sup>nd</sup> Street and Hunt Highway. (In the Chandler Heights area in District 1.)

**REGULAR AGENDA DETAIL:**

3. **CPA2003-002 Districts 4 and 5** (Remanded back to Planning and Zoning Commission from the June 18, 2003, Board of Supervisors' hearing.)

**Applicant:** Commission initiated

**Location:** The planning area is generally bounded by Southern Ave. on the north, the El Paso Gasline Rd. on the south, Citrus Rd. on the east and Rainbow Rd. on the west.

**Request:** To recommend the Rainbow Valley Area Plan Update, with BOS recommended changes, for adoption in order to: (82 sq. miles)

1. Comply with Eye to the Future 2020, the Maricopa County Comprehensive Plan, and the requirements of the Growing Smarter and Growing Smarter Plus laws.
2. Establish guidelines for development of unincorporated Maricopa County in the planning area
3. Promote public health, safety, convenience, and general welfare

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of the BOS recommended changes to CPA2003-002. Commissioner Jones seconded the motion, which passed with a unanimous vote of 6-0.

This item was remanded back to the Planning Commission for the above changes by the Board at their June 18 meeting. It was subsequently approved by the Commission with these changes. Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval subject to the above changes.

4. **CPA2003-003 Districts 4 and 5** (Remanded back to Planning and Zoning Commission from the June 18, 2003, Board of Supervisors' hearing.)

**Applicant:** Commission initiated

**Location:** The planning area is generally bounded by I-10 on the north, Rainbow Rd. on the east, I-8 on the south and Johnson Rd. on the west.



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**Request:** To recommend the State Route 85 Corridor Area Plan, with BOS recommended changes, for adoption in order to: (360 sq. miles)

1. Comply with Eye to the Future 2020, the Maricopa County Comprehensive Plan, and the requirements of the Growing Smarter and Growing Smarter Plus laws.
2. Establish guidelines for development of unincorporated Maricopa County in the planning area.
3. Promote public health, safety, convenience, and general welfare.

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of the BOS recommended changes to CPA2003-003. Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

Joy Rich reported on proceedings at the Planning Commission who received this item after it was remanded back by the Board of Supervisors with suggested changes following their June 18, 2003 meeting. It was subsequently approved by the Commission with these changes, see above.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval of the State Route 85 Corridor Area Plan subject to the above changes.

5.     **Z2003-006     District 2 (This case continued from August 13, 2003.) WITHDRAWN**  
       **Applicant:** Michael Campbell for City of Mesa  
       **Location:** 2762 N. Waterbury Road (City of Mesa water facility property) – south of McDowell Road and west of Waterbury Road which is ¼-mi. east of Hawes Road (in the northern east Mesa area)  
       **Request:** Special Use Permit (S.U.P.) for a wireless communications facility in the R1-35 zoning district, Cellular Use District 1 - Alltel Cellular Communication Site (1.3 ac.)

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2003-006, subject to the following stipulations "a" through "k". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "Alltel" – Request for a Special use Permit for a Wireless Communication Facility, Maricopa County case # Z2003-006 – Ellsworth & McKellips" consisting of two (2) full-size sheets, dated revised March 25, 2003 and stamped received March 27, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Narrative for Submittal to Maricopa County Planning & Development" consisting of three (3) pages, dated revised March 14, 2003 and stamped received March 17, 2003, except as modified by the following stipulations.
- c. Major changes to this Special Use Permit plan of development (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following

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recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

- d. Non-compliance with the Special Use Permit plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. Dedication for an ultimate half-width of 65' on McDowell Road, for the entire length of the parent parcel, shall be completed prior to zoning clearance.
- f. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- g. All future cabling between equipment on the ground and antennas on the tower shall be internal and not be allowed to run external to the tower, unless covered and is the same color as the tower. The monopole and all monopole-mounted equipment shall be painted a neutral, non-reflective, gray color to match with the purpose of being visually inconspicuous.
- h. The access driveway shall be paved within the public right-of-way.
- i. The applicant shall landscape the site with desert variety trees indigenous to this region of the Sonoran Desert as follows: at least two 15-gallon trees along the north side of the walled compound, one 15-gallon trees along the north side of the driveway, and on 15-gallon tree on the east side of the walled compound along the south side of the access driveway.
- j. The proposed antenna array is to consist of three (3) sectors with two (2) antennas per sector for a total of six (6) antennas. From base ground level the centerline of the array's proposed height at 75' 0" on the monopole and under no conditions will a catwalk type of array be permitted.
- k. A status report including photographs of the power pole and ground facility shall be submitted within two (2) years of approval by the Board of Supervisors, or when fully equipped and finished - whichever occurs first.

This item was withdrawn by the property owner.

- 6. Z2003-020 District 5 - CONTINUED**  
**Applicant:** Angela Castellano, SRP Communications for Olga M. Redstrom  
**Location:** 14600 S. Dusty Ln. (in the Laveen/Komatke area)  
**Request:** Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 - SRP Wireless Communications Site (0.02 ac.)

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**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2003-020, subject to the following stipulations "a" through "j". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "SPECIAL USE PERMIT FOR VERIZON 45<sup>TH</sup> Ave. & DUSTY CELLULAR SITE". Consisting of one (1) full-size sheet, dated revised May 27, 2003 and stamped received June 3, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Project Narrative" consisting of two (2) pages, stamped received June 3, 2003, except as modified by the following stipulations.
- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by Planning and Development Department staff.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance, including revocation of the Special Use Permit.
- e. Xeriphytic landscaping shall be placed along sides of the wall surrounding the compound for the ground equipment.
- f. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- g. A status report including photos of the array and equipment facility shall be required within two (2) years of Board Approval, or when fully equipped and finished - whichever occurs first.
- h. A second status report will be required within five (5) years of approval by the Board of Supervisors for the purpose of determining compliance with stipulations and to ensure that visibility and vehicular travel along Dusty Lane has not been compromised by construction of the equipment shelter and the associated landscaping.
- i. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- j. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or

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the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this item to the September 10, 2003, meeting.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

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Fulton Brock, Chairman of the Board

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Fran McCarroll, Clerk of the Board